

PTO Form (Rev 4/2000)

OMB No. 0651-.... (Exp. 08/31/2004)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77640919
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION (no change)	
ARGUMENT(S)	
<p><u>Request For Reconsideration</u></p> <p>The Examining Attorney has continued the refusal to register the mark HEALTHY EDGE on the grounds that it is confusingly similar within the meaning of Section 2(d) of the Lanham Act to Registration No. 2,530,390. Applicant believes that there is no likelihood of confusion between its mark and the mark in the cited registration when used in connection with the respective goods and services, and respectfully requests reconsideration and withdrawal of the refusal based on the foregoing.</p> <p>Applicant's earlier comments regarding the refusal are incorporated herein by reference.</p> <p style="text-align: center;"><u>Arguments</u></p> <p>In determining whether a likelihood of confusion exists, the fundamental inquiry goes to the cumulative effect of the differences in the marks and the goods at issue. <i>Federated Foods, Inc. v. Fort Howard Paper Co.</i>, 192 U.S.P.Q. 24, 29 (C.C.P.A. 1976). It is also noted that under the Lanham Act, a refusal to register requires that such confusion as to the source of the goods and services is not merely possible, but likely. A mere possibility of confusion is insufficient basis for rejection under Section 2(d). <i>In re Massey-Ferguson</i>, 222 U.S.P.Q. 367, 368 (T.T.A.B. 1983). In the present case, Applicant's mark is not likely to cause confusion with Registrant's mark because the goods (as amended) offered by Applicant and the services provided by Registrant are decidedly distinct and</p>	

unrelated, the target audiences and channels of trade are different, and the purchasers of the goods and services are sophisticated and do not make an impulse purchase. All the relevant factors lead to a finding of no likelihood of confusion. For the reasons discussed below, Applicant respectfully requests reconsideration and withdrawal of the refusal.

I. The Similarities in the Marks Are Not Sufficient to Support a Likelihood of Confusion

Even though Applicant's mark and the mark in the cited registration are similar, this fact alone is not dispositive of a likelihood of confusion. "*Per se*" rules relating to likelihood of confusion have been struck down as being too inflexible and contrary to trademark law, where each case must be decided based on its own facts and circumstances. See *In re Quadram Corporation*, 228 U.S.P.Q. 863, 865 (T.T.A.B. 1985); *In re Sdyel Lingerie Co., Inc.*, 197 U.S.P.Q. 629 (T.T.A.B. 1977) and cases cited therein.

In *Jacobs v. Int'l Multifoods Corp.*, the Court stated that "[t]o establish likelihood of confusion a party must show something more than that similar or even identical marks are used..." *Jacobs v. Int'l Multifoods Corp.*, 212 U.S.P.Q. 641, 642 (C.C.P.A. 1982) (emphasis added) (footnote omitted), See also, *Merritt Foods Co. v. Americana Submarine*, 209 U.S.P.Q. 591, 599 (T.T.A.B. 1980).

When all factors are taken into consideration, even though the marks are similar, there is no potential likelihood of confusion when the marks are used in connection with the services in the registration and the goods (as amended) in the application.

II. The Goods and Services Are Not Sufficiently Related to Support a Likelihood of Confusion, and The Goods and Services Are Offered Into Different Trade Channels

The differences in the goods and services covered by the respective application and registration must also be considered in determining a likelihood of confusion. *Federated Foods, Inc., d.b.a. Hy-Top Products Division v. Fort Howard Paper Company*, *supra*.

Although, for the sake of argument only, it is remotely possible that Registrant's services and Applicant's goods may, in unlikely situations, be purchased by the same person, the notion that likelihood of confusion follows therefrom has been chastised by the authorities:

A wide variety of products, not only from different manufacturers within an industry but from also diverse industries, have been bought together in modern supermarket for the convenience of the consumer.

The mere existence of such an environment should not foreclose further inquiry into the likelihood of confusion arising from the use of similar marks on any goods so displayed.

Federated Foods, Inc. d.b.a. Hy-Top Products Division v. Fort Howard Paper Company, supra. See also, *Interstate Brands Corporation v. Celestial Seasonings, Inc.*, 198 U.S.P.Q. 151 (C.C.P.A. 1978). The diverse nature of the goods in the application as amended and the services in the cited registration must be considered. In the present instance, the differences in the respective goods and services are cumulative and the differences far outweigh any similarities in the marks, and therefore preclude any likelihood of confusion. The contrast of Registrant's specific services when compared with Applicant's equally very specific amended goods leads to a finding of no likelihood of confusion.

Applicant's goods are used by individuals for their own personal use. In this regard, Applicant has amended its goods to indicate that its downloadable and non-downloadable computer programs and software and related goods recorded on electronic media are used to synchronize an individual's user data obtained from various body weight and body fat monitors to provide health advice based on personal data. As earlier noted, Applicant's goods are used by consumers to track and analyze their personal health and fitness information and analyze and maintain work-out and diet plans. Attached as Exhibit A are website printouts showing that Applicant's goods are targeted for purchase by general consumers on mainstream websites such as www.rei.com and www.amazon.com.

Registrant's services are also identified with specific language and the mark is used in connection with a very limited and sophisticated services, i.e., providing health information, namely, health risk assessments for employers. The target audience of Registrant's services is limited and exclusive, and not the general public, but rather employers who wish to survey the health of its employees for use in human resources decisions. Indeed, attached as Exhibit B is a printout from www.trale.com, cited by the Examining Attorney, showing that the company promotes its services at tradeshow to professional purchasers and not to individual consumers.

In the Final Office action, the Examining Attorney has indicated that "[i]t is not uncommon for businesses [to] that provide health risk assessment services to use software to capture the health information of individuals" however, given that all businesses virtually everywhere use software in

calculating and sorting data, this alone is not persuasive enough to show a link between Applicant's goods and Registrant's services. It is also noted that the TRALE and WELLSOURCE website evidence provided by the Examining Attorney is directed to the targeted business and not the individuals employed by the business and, thus, reinforces Applicant's contention as to the separate and distinct nature of the goods and services. There is no evidence to establish that an employee would be aware of the company (and its software) contracted by its employer to compile the health care assessments. The webpage entitled "Blue Care Connection" is directed at an individual, but the Examining Attorney has failed to make the connection between this website and how the company may or may not provide healthcare assessments to the underlying employer. Therefore, there is no evidence of record to show that the respective goods and services are related. Further, there is no evidence of record to show that any one company offers the goods and services of both parties, or that the goods and services are related. Additionally, the materials submitted by the Examiner do not establish that the companies identified in the website printouts in any way sell or provide software, but rather provide assessment services to employers. The evidence does not in any way establish that these entities provide software to individuals. Consequently, the evidence does not support the Examiner's position that the goods and services are related.

Both Registrant's services and Applicant's goods are completely unique. Registrant's specific services are not related to Applicant's equally specific goods, particularly when the completely different target audiences are taken into consideration. Accordingly, Applicant respectfully submits that there is no likelihood of confusion.

III. Purchasers of Applicant's Products and Registrant's Services are Careful and Sophisticated

In the action, the Examining Attorney has quoted T.M.E.P. §1207.01(d)(vii) (emphasis added):

The fact that purchasers are sophisticated or knowledgeable in a particular field does not *necessarily* mean that they are immune from source confusion.

However, the Examining Attorney has neglected to quote the remainder of the section:

However, circumstances suggesting care in purchasing may tend to minimize confusion.

Applicant, submits that the purchasers of its products and the those of the Registrant's services are very careful and sophisticated such that confusion would be unlikely.

Applicant again stresses that the sophistication of the consumers must be factored into this inquiry, as

it has been well established that confusion is less likely to arise when consumers deliberate over purchases. See the previously cited *L.J. Mueller Furnace Co. v. United Conditioning Corp.*, 106 U.S.P.Q. 112 (C.C.P.A. 1955); *Magnaflux Corp. v. Sonoflux Corp.*, 109 U.S.P.Q. 313 (C.C.P.A. 1956); *Minnesota Mining and Manufacturing Company v. Electronic Memories, Inc.*, 173 U.S.P.Q. 178 (C.C.P.A. 1972).

The degree of care exercised by consumers in purchasing goods and/or services, and the degree of sophistication of the relevant consumer group, is yet another factor that negates any likelihood of confusion in this case. *Arrow Fastener Co. v. The Stanley Works*, 35 U.S.P.Q.2d 1449, 1458 (2d Cir. 1995); *Quartz Radiation Corp. v. Comm/Scope Co.*, 1 U.S.P.Q.2d 1668, 1669 (T.T.A.B. 1986).

In addition, in determining whether there is a likelihood of confusion, everything hinges on whether there is a probability that confusion in the minds of an appreciable number of reasonably prudent buyers. *Standard Brands, Inc. v. Smidler*, 151 F.2d 34 (2nd Cir 1945). A reasonably prudent purchaser is expected to exercise the degree of care and caution appropriate to the choice the purchaser faces in the market place. *Volkswagen Aktiengesellschaft v. Church*, 411 F.2d 350 (9th Cir. 1969). Thus, the reasonably prudent buyer is not indifferent, foolish or negligent.

If a purchasing decision is made after careful examination of the product, this is usually sufficient to negate a likelihood of confusion between the marks containing similarities. *Stoffer Corp. v. Health Valley Natural Foods, Inc.*, 1 U.S.P.Q. 2d 1900 (T.T.A.B. 1986). The purchasers of Applicant's goods are individuals who are concerned about their personal health and who wish to either maintain or achieve a healthy lifestyle. As evidence of the bewildering selection of health monitors with software available for purchase by the individual attached as Exhibit C are representative pages from a GOOGLE® search showing over 23,000 related hits. Given the vast array of software products similar to Applicant's goods available to the general consumer, the purchasing decision would be made by the consumer only after careful comparison of the various products and a determination that the product selected would meet the consumer's individual and particular personal needs. Purchasers of the goods will give due and substantial consideration to issues such as the manufacturer of the goods, price, costs, quality, efficiency, reliability, and technology. The

importance of making decisions regarding one's health and related products can not be overemphasized. Accordingly, the consumers of Applicant's goods would be savvy and knowledgeable and familiar with the Applicant and its applications.

Likewise, the purchasers of Registrant's services would be equally knowledgeable of human resource matters and the like. In a business or corporate environment, employee health assessments are confidential and used in making decisions regarding ever increasing health insurance budget matters and offering wellness programs to employees. As shown by the evidence provided by Examining Attorney, there are many businesses who offer such services and a decision to contract with a company to provide these services would only be made after careful consideration of the company's range of services, cost, and reputation. Due to the importance of the information that would be provided through the employee health assessments, the decision to use Registrant's service would be made at the highest level within the organization.

Both the purchasers of Applicant's goods and the purchasers of the Registrant's services are sophisticated and knowledgeable. Purchases of this nature would not be made in a hasty matter and purchasers of Registrant's services and Applicant's goods would only purchase the respective goods or services upon careful examination of the products and services being offered. Great care would be exercised during the purchasing process. The purchase of both Applicant's goods and Registrant's services would represent a major investment on the part of the purchaser, private and corporate, in both money and importance. The purchasing process would be lengthy. It is axiomatic that where the nature of the goods demands this kind of deliberation, confusion is hardly even possible, much less likely. The Court of Customs and Patent Appeals has stated that other things being equal, confusion is less likely where goods are purchased after careful consideration than where they are purchased casually. See *Magna Flux v. Sonoflex Corp.*, 231 F.2d 669 (C.C.P.A. 1956). Indeed, it has been recognized that, in the medical field, the attendant sophistication of the relevant consumers can be the most critical factor for showing that no likelihood of confusion exists. *Astra Pharmaceutical Products, Inc. v. Beckman Instruments, Inc.*, 220 U.S.P.Q. 786 (1st Ar. 1983.)

The sophistication of the consumer is reinforced in that the mark HEALTHY EDGE is used in connection with a wide variety wellness related products and services as shown by the attached

GOOGLE® search--showing over 80,00 hits--and printouts of representative websites (Exhibit D). The cumulative evidence suggests that such sophisticated consumers can and do distinguish between goods and services offered under the HEALTHY EDGE mark without a finding of confusion. Indeed, it is believed that the Examining Attorney did not give sufficient weight to Applicant's earlier argument that Registrant's mark is weak, particularly when considered in connection with the earlier quoted decision from *General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622 (6th Cir 1987) (emphasis added):

Determining that a mark is weak means that the *consumer confusion [is] unlikely* because the mark's components are so *widely used* that the public can *easily* distinguish slight differences in the marks even if the goods are related. *Id.*

This care in purchasing and the sophistication and knowledge of the purchasers, when coupled with the differences in the goods and services offered by the Applicant and Registrant, results in a situation where confusion is unlikely.

IV. Conclusion

Based on the foregoing, the Applicant respectfully submits that there is no likelihood of confusion when the mark is used in connection with the amended goods in the application and the services in the cited registration. As shown above, Applicant's goods and Registrant's services are clearly distinct as to the nature of the goods and services and the target audiences and channels of trade are completely different. Moreover, the potential cost of the goods and the sophistication of consumers thereof make it unlikely that such consumers would confuse these products or services even if they ever came across the goods and services in proximity, which itself is unlikely. Taking all of these factors into account and balancing them accordingly, Applicant respectfully submits that there can be no likelihood of confusion between the Applicant's goods and Registrant's services. In view of the foregoing, it is respectfully requested that the Examining Attorney's Section 2(d) refusal to register be reconsidered and withdrawn, and the application be passed to publication.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

ORIGINAL
PDF FILE

http://tgate/PDF/RFR/2010/06/30/20100630144412990926-77640919-004_001/evi_68166148170-101053586_.._ExA.pdf

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DESCRIPTION OF EVIDENCE FILE	Exhibits A-D in form of website printouts and related matter
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Downloadable computer programs and computer software and computer programs and computer software recorded on electronic circuits, IC cards, magnetic tapes, magnetic discs, optical discs, magnetic optical discs, CD-ROMs or DVDs for managing and analyzing personal data for health care, downloadable computer programs and computer software and computer programs and computer software recorded on electronic circuits, IC cards, magnetic tapes, magnetic discs, optical discs, magnetic optical discs, CD-ROMs or DVDs for managing and analyzing personal data such as body weight, body composition, the number of steps and blood pressure; downloadable computer programs and computer software and computer programs and computer software recorded on electronic circuits, IC cards, magnetic tapes, magnetic discs, optical discs, magnetic optical discs, CD-ROMs or DVDs for providing advice based on personal data for health care; downloadable computer programs and computer soft-ware and computer programs and computer software recorded on electronic circuits, IC cards, magnetic tapes, magnetic discs, optical discs, magnetic optical discs, CD-ROMs or DVDs for providing advice based on personal data for health care such as body weight, body composition, the number of steps and blood pressure	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	009

DESCRIPTION	
Downloadable computer programs and downloadable computer software which synchronize individual user data obtained from body weight scales, body fat monitors, body fat analyzers with electronic devices used for exercise monitoring for use in managing and analyzing personal data for health care, managing and analyzing personal data such as body weight, body composition, the number of steps, and blood pressure, for providing advice based on synchronized individual user data for health care and for providing advice based on individual user data for health care such as body weight, body composition, the number of steps and blood pressure; computer programs and computer software recorded on electronic circuits, IC cards, magnetic tapes, magnetic discs, optical discs, magnetic optical discs, CD-ROMs or DVDs which synchronize individual user data obtained from body weight scales, body fat monitors, body fat analyzers with electronic devices used for exercise monitoring for use in managing and analyzing personal data for health care, managing and analyzing personal data such as body weight, body composition, the number of steps, and blood pressure, for providing advice based on synchronized personal data for health care and for providing advice based on individual user data for health care such as body weight, body composition, the number of steps and blood pressure	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Bassam N Ibrahim/ /s/
SIGNATORY'S NAME	Bassam N. Ibrahim
SIGNATORY'S POSITION	Attorney of Record, State of Maryland bar member
DATE SIGNED	06/30/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jun 30 14:44:12 EDT 2010
TEAS STAMP	USPTO/RFR-68.166.148.170- 20100630144412990926-7764 0919-460a0bc3de293c3411d9 49016a193bb3bf0-N/A-N/A-2 0100630101053586745

PTO Form (Rev 4/2000)

OMB No. 0651-.... (Exp. 08/31/2004)

Request for Reconsideration after Final Action**To the Commissioner for Trademarks:**

Application serial no. 77640919 has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Request For Reconsideration

The Examining Attorney has continued the refusal to register the mark HEALTHY EDGE on the grounds that it is confusingly similar within the meaning of Section 2(d) of the Lanham Act to Registration No. 2,530,390. Applicant believes that there is no likelihood of confusion between its mark and the mark in the cited registration when used in connection with the respective goods and services, and respectfully requests reconsideration and withdrawal of the refusal based on the foregoing.

Applicant's earlier comments regarding the refusal are incorporated herein by reference.

Arguments

In determining whether a likelihood of confusion exists, the fundamental inquiry goes to the cumulative effect of the differences in the marks and the goods at issue. *Federated Foods, Inc. v. Fort Howard Paper Co.*, 192 U.S.P.Q. 24, 29 (C.C.P.A. 1976). It is also noted that under the Lanham Act, a refusal to register requires that such confusion as to the source of the goods and services is not merely possible, but likely. A mere possibility of confusion is insufficient basis for rejection under Section 2 (d). *In re Massey-Ferguson*, 222 U.S.P.Q. 367, 368 (T.T.AB. 1983). In the present case, Applicant's mark is not likely to cause confusion with Registrant's mark because the goods (as amended) offered by Applicant and the services provided by Registrant are decidedly distinct and unrelated, the target audiences and channels of trade are different, and the purchasers of the goods and services are sophisticated and do not make an impulse purchase. All the relevant factors lead to a finding of no likelihood of confusion. For the reasons discussed below, Applicant respectfully requests reconsideration and withdrawal of the refusal.

I. **The Similarities in the Marks Are Not Sufficient to Support a Likelihood of Confusion**

Even though Applicant's mark and the mark in the cited registration are similar, this fact alone is not dispositive of a likelihood of confusion. "*Per se*" rules relating to likelihood of confusion have been struck down as being too inflexible and contrary to trademark law, where each case must be decided based on its own facts and circumstances. See *In re Quadram Corporation*, 228 U.S.P.Q. 863, 865

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When all factors are taken into consideration, even though the marks are similar, there is no potential likelihood of confusion when the marks are used in connection with the services in the registration and the goods (as amended) in the application.

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The degree of care exercised by consumers in purchasing goods and/or services, and the degree of sophistication of the relevant consumer group, is yet another factor that negates any likelihood of confusion in this case. *Arrow Fastener Co. v. The Stanley Works*, 35 U.S.P.Q.2d 1449, 1458 (2d Cir. 1995); *Quartz Radiation Corp. v. Comm/Scope Co.*, 1 U.S.P.Q.2d 1668, 1669 (T.T.A.B. 1986).

In addition, in determining whether there is a likelihood of confusion, everything hinges on whether there is a probability that confusion in the minds of an appreciable number of reasonably prudent buyers. *Standard Brands, Inc. v. Smidler*, 151 F.2d 34 (2nd Cir 1945). A reasonably prudent

purchaser is expected to exercise the degree of care and caution appropriate to the choice the purchaser faces in the market place. *Volkswagen Aktiengesellschaft v. Church*, 411 F.2d 350 (9th Cir. 1969). Thus, the reasonably prudent buyer is not indifferent, foolish or negligent.

If a purchasing decision is made after careful examination of the product, this is usually sufficient to negate a likelihood of confusion between the marks containing similarities. *Stoffer Corp. v. Health Valley Natural Foods, Inc.*, 1 U.S.P.Q. 2d 1900 (T.T.A.B. 1986). The purchasers of Applicant's goods are individuals who are concerned about their personal health and who wish to either maintain or achieve a healthy lifestyle. As evidence of the bewildering selection of health monitors with software available for purchase by the individual attached as Exhibit C are representative pages from a GOOGLE® search showing over 23,000 related hits. Given the vast array of software products similar to Applicant's goods available to the general consumer, the purchasing decision would be made by the consumer only after careful comparison of the various products and a determination that the product selected would meet the consumer's individual and particular personal needs. Purchasers of the goods will give due and substantial consideration to issues such as the manufacturer of the goods, price, costs, quality, efficiency, reliability, and technology. The importance of making decisions regarding one's health and related products can not be overemphasized. Accordingly, the consumers of Applicant's goods would be savvy and knowledgeable and familiar with the Applicant and its applications.

Likewise, the purchasers of Registrant's services would be equally knowledgeable of human resource matters and the like. In a business or corporate environment, employee health assessments are confidential and used in making decisions regarding ever increasing health insurance budget matters and offering wellness programs to employees. As shown by the evidence provided by Examining Attorney, there are many businesses who offer such services and a decision to contract with a company to provide these services would only be made after careful consideration of the company's range of services, cost, and reputation. Due to the importance of the information that would be provided through the employee health assessments, the decision to use Registrant's service would be made at the highest level within the organization.

Both the purchasers of Applicant's goods and the purchasers of the Registrant's services are sophisticated and knowledgeable. Purchases of this nature would not be made in a hasty matter and

purchasers of Registrant's services and Applicant's goods would only purchase the respective goods or services upon careful examination of the products and services being offered. Great care would be exercised during the purchasing process. The purchase of both Applicant's goods and Registrant's services would represent a major investment on the part of the purchaser, private and corporate, in both money and importance. The purchasing process would be lengthy. It is axiomatic that where the nature of the goods demands this kind of deliberation, confusion is hardly even possible, much less likely. The Court of Customs and Patent Appeals has stated that other things being equal, confusion is less likely where goods are purchased after careful consideration than where they are purchased casually. See *Magna Flux v. Sonoflex Corp.*, 231 F.2d 669 (C.C.P.A. 1956). Indeed, it has been recognized that, in the medical field, the attendant sophistication of the relevant consumers can be the most critical factor for showing that no likelihood of confusion exists. *Astra Pharmaceutical Products, Inc. v. Beckman Instruments, Inc.*, 220 U.S.P.Q. 786 (1st Ar. 1983.)

The sophistication of the consumer is reinforced in that the mark HEALTHY EDGE is used in connection with a wide variety wellness related products and services as shown by the attached GOOGLE® search--showing over 80,00 hits--and printouts of representative websites (Exhibit D). The cumulative evidence suggests that such sophisticated consumers can and do distinguish between goods and services offered under the HEALTHY EDGE mark without a finding of confusion. Indeed, it is believed that the Examining Attorney did not give sufficient weight to Applicant's earlier argument that Registrant's mark is weak, particularly when considered in connection with the earlier quoted decision from *General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622 (6th Cir 1987) (emphasis added):

Determining that a mark is weak means that the *consumer confusion [is] unlikely* because the mark's components are so *widely used* that the public can *easily* distinguish slight differences in the marks even if the goods are related. *Id.*

This care in purchasing and the sophistication and knowledge of the purchasers, when coupled with the differences in the goods and services offered by the Applicant and Registrant, results in a situation where confusion is unlikely.

IV. Conclusion

Based on the foregoing, the Applicant respectfully submits that there is no likelihood of confusion when the mark is used in connection with the amended goods in the application and the

services in the cited registration. As shown above, Applicant's goods and Registrant's services are clearly distinct as to the nature of the goods and services and the target audiences and channels of trade are completely different. Moreover, the potential cost of the goods and the sophistication of consumers thereof make it unlikely that such consumers would confuse these products or services even if they ever came across the goods and services in proximity, which itself is unlikely. Taking all of these factors into account and balancing them accordingly, Applicant respectfully submits that there can be no likelihood of confusion between the Applicant's goods and Registrant's services. In view of the foregoing, it is respectfully requested that the Examining Attorney's Section 2(d) refusal to register be reconsidered and withdrawn, and the application be passed to publication.

EVIDENCE

Evidence in the nature of Exhibits A-D in form of website printouts and related matter has been attached.

Original PDF file:

http://tgate/PDF/RFR/2010/06/30/20100630144412990926-77640919-004_001/evi_68166148170-101053586_.ExA.pdf

Converted PDF file(s) (5 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Original PDF file:

http://tgate/PDF/RFR/2010/06/30/20100630144412990926-77640919-004_002/evi_68166148170-101053586_.ExB.pdf

Converted PDF file(s) (2 pages)

Evidence-1

Evidence-2

Original PDF file:

http://tgate/PDF/RFR/2010/06/30/20100630144412990926-77640919-004_003/evi_68166148170-101053586_.ExC.pdf

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Evidence-1

Evidence-2

Evidence-3

Evidence-4

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Converted PDF file(s) (12 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4
Evidence-5
Evidence-6
Evidence-7
Evidence-8
Evidence-9
Evidence-10
Evidence-11
Evidence-12

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Downloadable computer programs and computer software and computer programs and computer software recorded on electronic circuits, IC cards, magnetic tapes, magnetic discs, optical discs, magnetic optical discs, CD-ROMs or DVDs for managing and analyzing personal data for health care, downloadable computer programs and computer software and computer programs and computer software recorded on electronic circuits, IC cards, magnetic tapes, magnetic discs, optical discs, magnetic optical discs, CD-ROMs or DVDs for managing and analyzing personal data such as body weight, body composition, the number of steps and blood pressure; downloadable computer programs and computer software and computer programs and computer software recorded on electronic circuits, IC cards, magnetic tapes, magnetic discs, optical discs, magnetic optical discs, CD-ROMs or DVDs for providing advice based on personal data for health care; downloadable computer programs and computer software and computer programs and computer software recorded on electronic circuits, IC cards, magnetic tapes, magnetic discs, optical discs, magnetic optical discs, CD-ROMs or DVDs for providing advice based on personal data for health care such as body weight, body composition, the number of steps and blood pressure

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 009 for Downloadable computer programs and downloadable computer software which synchronize individual user data obtained from body weight scales, body fat monitors, body fat analyzers with electronic devices used for exercise monitoring for use in managing and analyzing personal data for health care, managing and analyzing personal data such as body weight, body composition, the number of steps, and blood pressure, for providing advice based on synchronized individual user data for health care and for providing advice based on individual user data for health care such as body weight, body composition, the number of steps and blood pressure; computer programs and computer software recorded on electronic circuits, IC cards, magnetic tapes, magnetic discs, optical discs, magnetic optical discs, CD-ROMs or DVDs which synchronize individual user data obtained from body weight scales, body fat monitors, body fat analyzers with electronic devices used for exercise monitoring for use in managing and analyzing personal data for health care, managing and analyzing personal data such as body weight, body composition, the number of steps, and blood pressure, for providing advice based on synchronized personal data for health care and for providing advice based on individual user data for health care such as body weight, body composition, the number of steps and blood pressure

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Bassam N Ibrahim/ /s/ Date: 06/30/2010

Signatory's Name: Bassam N. Ibrahim

Signatory's Position: Attorney of Record, State of Maryland bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77640919

Internet Transmission Date: Wed Jun 30 14:44:12 EDT 2010

TEAS Stamp: USPTO/RFR-68.166.148.170-201006301444129

90926-77640919-460a0bc3de293c3411d949016

a193bb3bf0-N/A-N/A-20100630101053586745

EXHIBIT A



SEARCH

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SHOP REI-OUTLET

TRAVEL WITH REI

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REI Summer Sale & Clearance! Save 20%-30% on selected backpacking and camping gear and clothing. Shop the Sale Thru 7/5!

[Outdoor Fitness](#) > [Monitors and Electronics](#) > [Body Fat Scales](#) > Tanita BC-1000 InnerScan Radio Wireless Body Composition Platform [Print This Page](#)

Tanita BC-1000 InnerScan Radio Wireless Body Composition Platform

Item = 794141

\$280.00

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\$280.00

1 Qty

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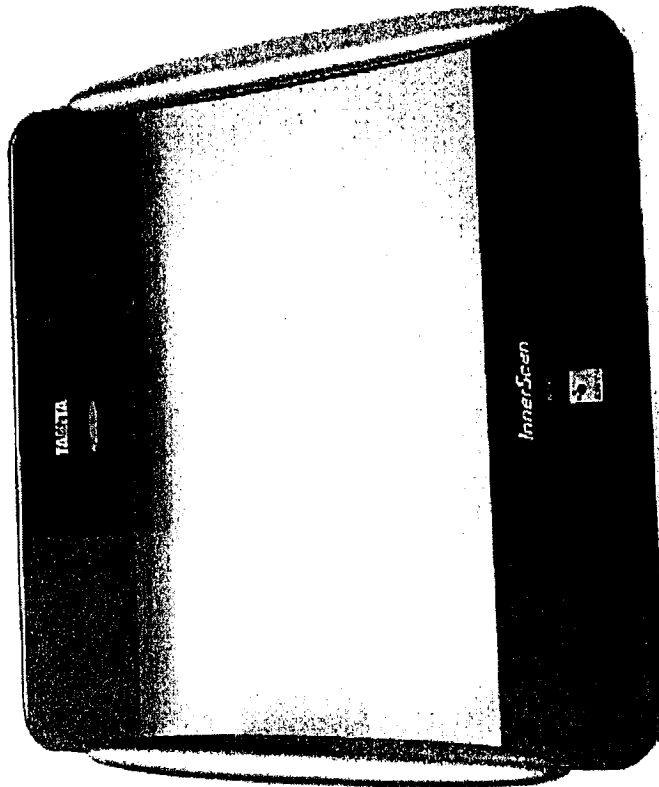
Product Rating

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Share It

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[p zoom](#)

Description ▾

Specs ▸

Customer Reviews ▸

Used in conjunction with a compatible receiver unit (sold separately), the Tanita BC-1000 InnerScan™ Radio Wireless Body Composition platform provides in-depth information about your body.

- Use together with a personal computer, Tanita remote display or a Tanita-compatible Garmin fitness watch (all sold separately) to measure key body composition metrics
- FDA-approved InnerScan® Radio Wireless Body Composition platform provides information about weight, body fat, total body water, muscle mass and physique rating
- Also provides information on daily caloric intake, basal metabolic rate, metabolic age, bone mass and visceral fat
- Included USB ANT stick utilizes ANT+™ wireless technology to communicate with a personal computer, a compatible watch such as the Garmin FR60 or a Tanita remote display
- Includes Healthy Edge™ software for Windows XP and Vista, and 4 AA batteries

Imported.

Item 794141

[View all Tanita products](#)

REI Membership

[REI Membership](#)

\$20.00



Accessories for this item

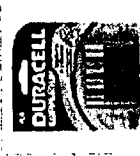
[Tanita D-1000 Remote Display Monitor](#)

\$130.00



[Duracell AA Alkaline Batteries - Package of 4](#)

\$4.50



People Also Viewed

[Tanita Ironman BC-548 InnerScan Body Composition Monitor](#)

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[Tanita Iron Girl BC-533GL InnerScan Body Composition Monitor](#)

\$79.93



[Tanita D-1000 Remote Display Monitor](#)

\$130.00



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Health Care

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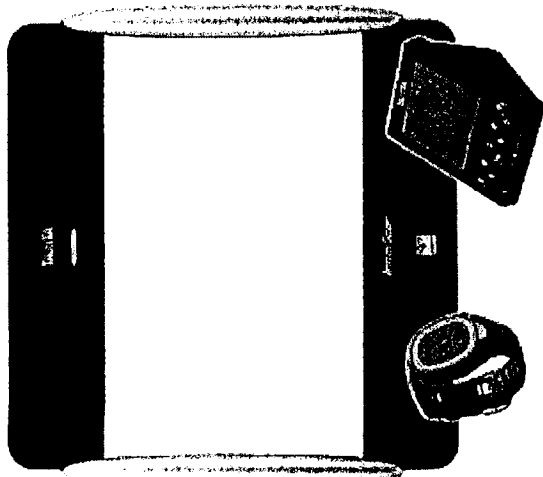
Shaving & Hair Removal

Nutrition & Fitness

Sexual Wellness

Subscribe & Save

Special Offers



Tanita BC-1000 Ant+ Wireless Body Composition Package

by Tanita BC-1000 Wireless Package

No customer reviews yet. Be the first.

Price: \$563.46

In Stock.

Ships from and sold by The Competitive Edge.

\$563.46 + Free Shipping

In Stock. Sold by The Competitive Edge

Quantity: 1

Add to Cart

or

Shipment Confirmation: Click Ordering

Add to Wish List

Add to Shopping List

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What's this? | Create PayPhrase

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Product Features

- ANT+ Wireless Technology
- Wireless Body Composition Monitor
- Packages includes: Tanita BC-1000 Body Composition Monitor, Tanita D-1000 Remote Display, Garmin FR-60 Black Fitness Watch
- Addition Accessories included: USB ANT Stick, Healthy Edge Software for your PC

Customers Who Bought Related Items Also Bought





Garmin GSC 10 Speed / Cadence Bike Sensor ★★★★☆ (125) \$37.11	Garmin Foot Pod ★★★★☆ (15) \$61.95	Garmin Premium heart rate monitor (soft strap) ★★★★☆ (7) \$66.00	Garmin forerunner Bike Mount ★★★★☆ (16) \$11.08	Garmin GPS Carrying Case, Black ★★★★☆ (28) \$22.00
---	--	--	---	--

Product Description

Product Description

Tanita Wireless ANT+™ Body Composition Monitor, bundled with a Tanita D-1000 Remote Display, a Garmin FR-60 Black Fitness Watch, a USB Ant Stick, and Healthy Edge Software. Tanita brings the most sophisticated health monitoring technology to health and fitness enthusiasts everywhere. The BC-1000 Body Composition Monitor offers consumers the ability to wirelessly link data to remote displays, such as a D-1000 Remote Display or a PC. In addition to weight, body fat percentage, and hydration levels, the BC-1000 Body Composition Monitor provides measurements on muscle mass, overall physique rating, daily caloric intake, metabolic age rating, bone mass, and visceral fat. The BC-1000 will communicate with your D-1000 or your computer and Healthy Edge™ Software to wirelessly transmit these nine readings within seconds after stepping on the platform. The BC-1000 scale platform features no visible display, as readings are automatically transmitted to a remote displays such as the Tanita D-1000, Garmin FR60 fitness watch, or a PC. This dynamic feature-the first of its kind-will allow for private readings and is perfect for anyone who wants to keep their health and fitness levels private, making the BC-1000 the ultimate choice for discretion. The NEW D-1000 Remote Display from Tanita displays nine body composition readings wirelessly from your BC-1000 platform. An indicator light illuminates the corresponding icon (weight, Body Fat %, Body Water %, Muscle Mass, Bone Mass, DCI - Daily Caloric Intake, Metabolic Age, Physique Rating, Visceral Fat) for each measurement as it is displayed on the oversized LCD screen with blue backlight. Stores user data for up to four users and doubles as a clock when not in use. Built-in stand for upright viewing, and push button indicators include: up and down arrows, user, set, recall, guest, weight only, and on / off . Power supply: AAX4 (included).

Product Details

Shipping Weight: 12 pounds ([View shipping rates and policies](#))

ASIN: B003CZDEEE

UPC: 742496801722

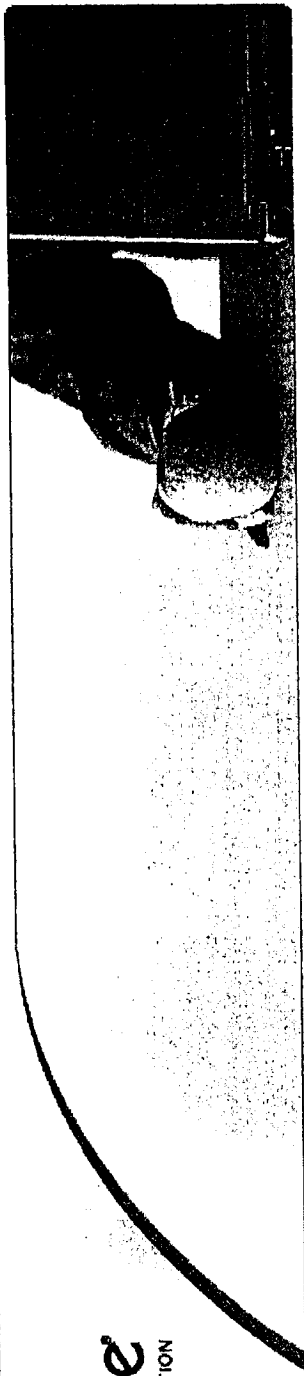
Average Customer Review: No customer reviews yet. [Be the first.](#)

Amazon Bestsellers Rank: #38,317 in Health & Personal Care (See Top 100 in Health & Personal Care)
#74 in [Health & Personal Care > Medical Supplies & Equipment > Health Monitors > Scales > Digital](#)

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EXHIBIT B



Trade Shows

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EXHIBIT C

Google

price software "fitness monitors"

Search

About 23,100 results (0.25 seconds)

Advanced search

- Everything
Shopping
More

All results
Fewer shopping sites
More shopping sites
More search tools

Pricing Software

www.vistaar.com Maximize Your Company's Profits with Leading Pricing Software

Leading Gym Software

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Physical Therapy Software

www.Mavenlive.com Revolutionary Exercise Software Custom for Excellent Patient Care

Amazon.com: Omron HR-100C Heart Rate Monitor, Health & Personal Care Q&A - Fitness Monitors What is the Bioelectrical Impedance Method? ... Omron HJ-720ITC Pocket Pedometer with Advanced Omron Health Management Software ...
www.amazon.com Exercise & Fitness Heart Monitors - Cached - Similar

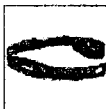
Timex Ironman Race Trainer Full Size 50-Lap Digital HRM with USB ...

Fitness Monitors Home ... RRP. Price: £149.99 (inc VAT) £127.55 (ex VAT) SKU TIM262 ... Once the workout data is uploaded, the Timex Trainer online software provides a customisable dashboard populated with "pods" of information and ...
www.fitnessmonitors.com/ Timex-Ironman-Race-Trainer-Full-Size-50%252dLap-Digital-HRM-with-USB-Data-Upload - United Kingdom - Cached

Oregon SmartSync Heart Rate Logger with PC Download WM100 ...

Fitness Monitors Home ... With a USB interface for seamless download, the SmartSync software allows the user to analyze and print their training information ...
www.fitnessmonitors.com/ Oregon-SmartSync-Heart-Rate-Logger-with-PC-Download-WM100.html - United Kingdom - Cached

Show more results from www.fitnessmonitors.com

Shopping results for price software "fitness monitors"

Garmin Forerunner 405CX Heart Rate Monitor
\$369.95 new - REI

Polar F6 Heart Rate Monitor - Pink Coral
\$104.99 new - Sports Unlimited

Polar RS800CX Multiport Heart Rate Monitor
\$419.95 new - REI

Fitness Monitors & Weight Management

Retail Price: \$81.95 Our LOW Price: \$63.55 ... Diabetic Supplies, Air Purifiers, White Noise Machines, Vitamins, Massage/Spa, Medical PDA Software.
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garmin fitness monitors | Garmin GPS Products

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www.trafficlab301.com/garmin-fitness-monitors/ - Cached

Harpenden Software System - Fitness Monitors UK

Fitness Monitors Home ... Harpenden Software System. RRP: £117.49 (inc VAT), Your Price: £84.60 (inc VAT) £72.00 (ex VAT) SKU HAR003; Brand: Harpenden ...
https://www.fitnessmonitors.com/ Harpenden-Software-System.html - United Kingdom - Cached

Fitness Monitors - Prices - Page 8

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www.wikio.com/fitness-monitors-reviews-10689-page8-sort0.html - Cached

Walmart.com Health & Beauty Home Medical: Exercise & Fitness ...

Shop Low Prices on Home Medical, Exercise & Fitness Monitors ... To avoid interruption of software designed to WALMART CREDIT CARDS ...
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Fitness Software

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Pricing Software

www.vistlaar.com Maximize Your Company's Profits with Leading Pricing Software

Leading Gym Software

www.GetPhysicalSoftware.com Thousands of Satisfied Club Owners! Low Priced, Easy To Use Free Demo

Best Polar Heart Rate Monitor - Consumer Reviews

This heart rate monitor will actually create a workout program to tell you how TRX Suspension Trainer Professional - Free Shipping and Great Price ...
www.squidoo.com/polar-heart-rate-monitor-reviews - Cached

GPS Runner iPhone or Garmin?

Jan 2, 2009 ... SportTracks is the best software training log, hands down Price ... In my opinion Garmin GPS-enabled fitness monitors (Forerunner series ...
gpsrunner.blogspot.com/2009/01/iphone-or-garmin.html - Cached - Similar

Polar F6 Heart Rate Monitor - Pink Coral - Free Shipping - Heart ...

... the included Polar Precision Performance (PPP) 4.0 software and the SonicLink feature. ... See all Fitness Monitors / Training Aids Related Items Accusplit Eagle AE1120 Activity Pedometer Regular price \$12.99 Sale price \$10.95 ...
www.sportsunlimitedinc.com - Heart Rate Monitors - Cached - Similar

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NEW SMHEART LINK ALLOWS IPHONES TO ACT AS FITNESS MONITORS ...

ITMP Technology, Santa Barbara, Calif. a pioneering smartphone hardware and software developer ... NEW SMHEART LINK ALLOWS IPHONES TO ACT AS FITNESS MONITORS ... Meet-or Exceed-Your Customers' Expectations - The Real Cost of ...
www.entrepreneur.com - Tale-Samca News - Cached - Similar

Fitness Monitors # Monitors On Sale: Monitors Online Shopping

Jun 23, 2010 ... Product prices and availability are accurate as of the date/time ... Any price and availability information displayed on Amazon.com at the ...
monitorshealthpersonalcare-nstore.co.cc/Fitness_Monitors.html - Cached

Fitness Monitors

One Low Price Appliances ... Or define a price range ... Fitness Monitors. (4 products found) Showing items 1-4 Show 20 50 ...
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Amazon.com: Omron HBF-400 Body Fat Monitor and Scale Health ...

Q&A: Fitness Monitors What is the Bioelectrical Impedance Method? ... Omron HJ-720ITC Pocket Pedometer with Advanced Omron Health Management Software ... The cost of a high-quality scale added to the price of a decent Body-fat ...
www.amazon.com - Bath Bathroom Accessories Scales - Cached - Similar

Polar F11 Heart Rate Monitor, Amazon.co.uk: Sports & Leisure

Price: £62.97 & this item Delivered FREE in the UK with Super Saver Delivery ... #3 in Sports & Leisure > Fitness > Heart-rate & Fitness Monitors ... to your PC and the Polar WebLink software (downloaded free from Polar's website) ...
www.amazon.co.uk - Flasks - Cached - Similar

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Gym Management Software

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Martial Arts Management

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Real People Real Results

Over 40 pounds released!!

FULL STORY MORE RESULTS



LEARN More

IT'S ALL FREE

This information is so valuable and will allow you to start implementing healthy living in your home right away! It is possible to get the results you desire and enjoy every second of it. You have incredible gifts to share with the world and your health is the foundation. **YOU can do this. YOU deserve this. We are here to SUPPORT YOU every step of the way!**

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Healthy Edge: Building Healthy School Meals

Building Healthy School Meals



School Nutrition Association
Child Nutrition Fund-Ven

SNA TRAINER CERTIFICATION INFO

COMMON Q&A

Give Your Career the Healthy Edge!

- ▶ Encourage children to make healthier options to impact their lifelong nutrition!
- ▶ Improve your overall child nutrition program and add credibility to the work you and your employees perform!
- ▶ Enroll in the Healthy Edge program to earn 10 core hours in Key Area 2 - Nutrition and see how this interactive and fun online course can help you and your school nutrition team excel on the way to SNA certification!

Healthy Edge: Building Healthy School Meals is a professional development program that educates school nutrition professionals about many aspects of nutrition. The program helps professionals:

- ▶ Satisfy program requirements outlined in USDA's School Meals Initiative for Healthy Children
- ▶ Offer nutritious and appealing meals that satisfy the dietary needs and food preferences of children
- ▶ Implement the best practices presented in Keys to Excellence in School Food and Nutrition Programs
- ▶ Satisfy the nutrition education core requirement of the School Nutrition Association certification program

The course is broken into four interactive and engaging modules:

1. Nutrition
2. Nutrition Education
3. Preparing and Serving Healthy School Meals
4. Building Partnerships and Marketing

ONLINE COURSE:

Healthy Edge is available at our School Nutrition University (www.snuuniversity.org).

SNA Training Material for Seminars

The new Healthy Edge curriculum is available in seminar format to be used for upcoming employee training sessions. These materials can only be purchased by SNA Certified Trainers for \$100 through the SNA Emporium and include instructions, the Healthy Edge PowerPoint Presentation, accompanying tests, test answer keys, and student roster. The Healthy Edge Study Guide is available through the Emporium as well. A Study Guide, including certificate, must be provided for each seminar attendee in order to complete and receive credit for the Healthy Edge course. The Healthy Edge Study Guide is available at a cost of \$20 per book.

Trainer Certification

As of September 1, 2008 Healthy Edge courses must be taught by SNA Certified Trainers to be eligible for core and key area hour credit. If you are interested in becoming a SNA Certified Trainer, please visit, [How to Become Certified](#). Click here for a listing of SNA Certified Trainers.

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Average 3 out of 5

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Lifestyle, Health and Wellness Coaching

Wellness Programs

Stress Management and Healthier Living

Are you looking for a better way?

At Healthy Edge we guide individuals, healthcare professionals and employers through the process of creating and building healthier lives and prosperous businesses. Our belief is that people are our most valuable resource. Our business is about achieving healthier lifestyles through balance, accountability and support to maximize that resource.

Are you happy?

You have one life to live. How are you living yours? Are you achieving all you want? Are you getting where you want to go fast enough? Is the quality of your life what you want it to be? How much satisfaction is your life bringing you? How are your relationships? Are you satisfied with your career? How close are you to reaching your full potential? What things are missing in your life? If you could make significant changes, how quickly would they bring you the life you envision for yourself?

What areas in your life are most important for you to work on? Lifestyle coaching can help you overcome fears, regain energy, live healthier, improve relationships, succeed in business, set and reach goals, manage time better, attain balance, and be happier.

Achieve what is important to you...

We believe optimal wellness cannot be achieved without embracing the overall well-being of a person by addressing all areas that have a negative effect on your quality of living.

Explore our coaching and wellness programs and learn how we care for you.

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"Part consultant, part motivational speaker, part therapist and part rent-a-friend, coaches work with managers, entrepreneurs, and just plain folks, helping them define and achieve their goals - career, personal or, most often, both."

~ NEWSWEEK

WALK FOR YOUR CAUSE!

2010 What About You Walk



September 25th
Gallup Park
Ann Arbor, MI

The second annual walk is an event to raise funds for select charities that in some way touch the lives of us all today.

The funds raised will go to a charity of your choice that helps families and individuals to:

ALLEVIATE COMMUNITY HARDSHIP


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
Healthcare Professionals
Rx for Wellness

Healthy Edge works in alliance with Healthcare Professionals enabling patients to make and sustain recommended lifestyle changes. This patient-centered approach to healthy lifestyle management assists individuals to take control over their well-being.

Employers
Improve Your Bottom Line

Looking to improve the health of your employees and organization? Employers searching for relief from rising health care and insurance costs can benefit by incorporating our health and wellness coaching services and wellness workshops. We deliver information, tools and intervention from trained professionals while making it affordable to our clients.

Follow us on 

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& MUCH MORE!

On September 25th
How will you be walking for?

For event information and registration
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The Healthy Edge

Creating Your Abundant Life!

Welcome to The Healthy Edge!

The Healthy Edge is a lifestyle program that will redefine how you look at your weight and your health. This program has the power to transform and educate you to truly implement a lifestyle that can impact your health and your family's health forever.

The Healthy Edge is personal development, accountability, education and practical experience. Each week you will have access to an empowering audio session and a health video session. All seminar notes and related materials will also be available to you with each seminar.

Getting Started

Prepare your environment and mind for your Healthy Edge journey. Follow the steps provided to you so you can set yourself up for success! Get the knowledge and support to clean out your pantry, shop, utilize your lifestyle logs and choose product support. Schedule an Introductory phone consultation with us to go over the materials and how to use the website before the first seminar.

Week 1

Insulin Resistance and The Glycemic Index - Are you suffering from the bulge in the middle? Do you have an unhealthy relationship with carbohydrates? Do you find it impossible to resist those night time cravings? Discover the truth around why you are mentally and physically struggling with your weight, mood and will power and how to break the vicious cycle of yo-yo dieting and a weight gain! Learn the major principles of The Healthy Edge lifestyle and start living The Healthy Edge.

Empowerment Series: Belief Systems.

Week 2

Eating Out and Eating at The Workplace - Can fast food be healthy? Do you fall into the hidden traps at restaurants that hold you back from your ideal health and weight? What about the workplace? Are you a victim to your busy workday? No more! Get empowered to take control in the workplace and eating out!

Empowerment Series: Victim vs. Empowered.

Week 3

Exercise - Discover the truth about what it takes to be physically fit and healthy and most importantly what is the difference? How long should you work out? How often? How hard? Get valuable insight into what may be holding you back in the gym! Discover how events in your past have shaped your future and how, if you change your mind, you can change your life!

Empowerment Series: Fact vs. Meaning.

Week 4

Reading Food Labels Part I - Three destructive mindsets that you are probably in at this very moment can hold you back from health, weight release, close relationships and your dreams! Food labels are more than calories, fat grams and sodium! Learn the truth about what you should be looking for when you



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We scheme and toil and
save, then squander wealth,
In search of health,
And all we get's the grave.
We live and boast of what
we own,
We die, and only get a
stone."*

- Anonymous

read food labels! Also get an eye-opening view of the organic industry!
Empowerment Series: Resentment, Resistance and Revenge.

Week 5

Reading Food Labels Part II - The top 10 worse food additives are unveiled in this life changing seminar. Discover what current research says about the health effects of artificial sweeteners, artificial colorings additives and preservatives found in our foods! You will not want to miss this seminar for you and your children! Get a handy "shopping guide" to take with you when you go to the grocery store!

Empowerment Series: Overcoming Belief Systems.

Week 6

Maximize Fat Loss - "I just have a slow metabolism" will never come out of your mouth again after this seminar! Learn how protein, fiber, and muscle mass can increase the fat and calories you burn daily and change your body! Discover the secret to fiber and protein in your fat release! Fine tune your Healthy Edge journey by evaluating your progress and identifying what is missing.

Empowerment Series: Journey of The Healthy Edge.

Week 7

Where Do We Go from Here? - Now that you have experienced The Healthy Edge, what are you committed to for your future? How are you going to play the game of life? How do you apply The Healthy Edge to other aspects of your life? Continue to get results...forever!

The Tools

Website:

A 12 week website subscription that includes:

- Over 100 Recipes
- Downloadable Audios
- Videos
- Lifestyle Logs and Weekly Accountability Sheets
- Seminar Notes and Support Material

Individual Coaching:

You receive an Initial Coaching Call to determine your Goals and Intentions for your health and what results you are looking for with the Healthy Edge Program. Then you receive a weekly Coaching Call to focus on your individual needs and steps for success.

Support Products:

The Healthy Edge strongly recommends having support products to ensure success. We picked the certified low-glycemic meal replacement shakes and nutrition bars that can provide you with quick, easy, and tasty options during your day. Many products are not balanced and contain ingredients that you want to avoid, which you will learn in detail.

The Healthy Edge also recommends a high quality pharmaceutical nutritional supplement, the Comparative Guide to Nutritional Supplements by Nutrisearch is a great third party reference for quality supplements. We picked the #1 product in this guide to ensure you are getting everything you need for optimal health!

Group Programs

The group program takes you through 8 weeks of valuable stimulating and practical hands-on experience. You get the extra support of the group, personal weekly coaching, email support, potlucks, NIA fitness, and participant guidebooks.

Our next Group Session is July 7th! Contact us for details.

Online Programs

the online program allows you the flexibility to learn from home. You chose between having us **Mentor** you through this process or to go through the program on your own.

The Healthy Edge

Online Basic \$100.00

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We look forward to working with **You** and empowering **You** to live your best and healthiest life! Begin today to **Create your Greatest and most Amazing Health and Life!**

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Living The Healthy Edge

A Journey to Healthy Living

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Healthy Living | Healthy Eating

Living The Healthy Edge

This is a blog of my journey to take my life back through Healthy Living and Healthy Eating ending the life long roller coaster ride of constantly fighting an unhealthy, overweight, and inactive lifestyle. My hope is that this journey will encourage others who have been fighting the same battles in their life. There is hope and it is possible. Healthy living and healthy eating is a goal we can not only achieve but also maintain for the rest of our life. Healthy living and eating require a plan and we'll discover that plan together. Moving forward I'll share all I learn, the up's and the down's, success and defeats, everything that happens along the way. I've been told in order to be successful I need to "tell everyone about what I'm doing" so I can be held accountable, now EVERYBODY will know and see my journey to Healthy Living and Healthy Eating.



Waiting for the Other Shoe to Drop

Written by Joe Miltello
Monday, 28 June 2010 04:50

I'm sure I have a lot of friends and acquaintances out there that are waiting for the other shoe to drop. In other words, Joe has "been there and done that before". He starts out great, but just give it some time. We're just waiting for the other shoe to drop and he'll go back to his old ways. I know that's exactly what a lot of you are thinking. Unfortunately I do the same to others and that's very wrong and unsupportive. Now starting out I was wondering the same thing, but that's the wrong attitude to have. That's a program that needs to change. So I don't blame you for thinking that. I haven't given any indication from past experiences this will be any different. Time will tell though and as the weeks go by they will turn into months and the months will turn into years. I understand you will have to wait and see and that's just fine with me. So keep checking back and see how I'm doing. Now as for me, I am on this journey for the rest of my life and one of the things I'm learning is 'this is not a diet'. It is a radical lifestyle change. I want to encourage as many people as I can and let them know that if I can do this so can you. And that's the bottom line. You too can learn to live life abundantly, learn that you can go through life without having those uncontrollable cravings. I am no longer waiting for the other shoe to drop. I have never had so much confidence in my life about finishing what I've started, and so can you.



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It's a Life Changing Experience

Written by Joe Miltello
Tuesday, 22 June 2010 08:18

You've heard it before, I've said it before but this time it's true. This journey has been life changing. I never realized how much my eating was affecting all aspects of my life. Starting this program has not only affected me physically but also and most important, mentally. I now have control back. I can walk by a table full of pies, cakes, and cookies and not have this overpowering desire to have some.

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Twitter Status

It was a great weekend and now I'm coming to the end of another week in The Healthy Edge so check out the latest post.

It's a life changing experience. Active Health Concepts. My life will never be the same.

Another great meeting at The Healthy Edge, learning a lot about what make me tick, what my triggers are and how to deal with them.

Have had a cold for the last 2 days, kind of slowed me down but my eating was on track, that's never happened before.

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Now in the past getting sick meant comfort food, anything and everything. You know the old adage "Feed a cold, starve a fever," well I lived by it. My wife would, at my request, bake me chocolate chip cookies to help me feel better. I would go and get take-out, rent a couple of movies and then pig-out, fall asleep, wake up and start all over again. But hey, I was sick; it's what helped me feel better.

So here it is my first big challenge. How will I handle this cold? In the past being sick would have derailed any diet or eating plan I was working on at the time. It would be a huge defeat and a major set-back. It would take me weeks to get back on track. Come to think of it, I never did get back on track; if I had I wouldn't be where I am today.

Well I'm happy to report that although I haven't been able to exercise, my eating has been right on track. I haven't had the cravings or the desire to eat everything in sight and I haven't reverted back to my old habits. This is awesome! I can't believe it. I'm telling you right now the Healthy Edge works. This is a major breakthrough for me. Healthy living and healthy eating can be done. This whole blood sugar thing is the key.



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